



# IDEM Update

Jennifer Collins, Assistance and Outreach Manager  
Office of Program Support  
April 13, 2016

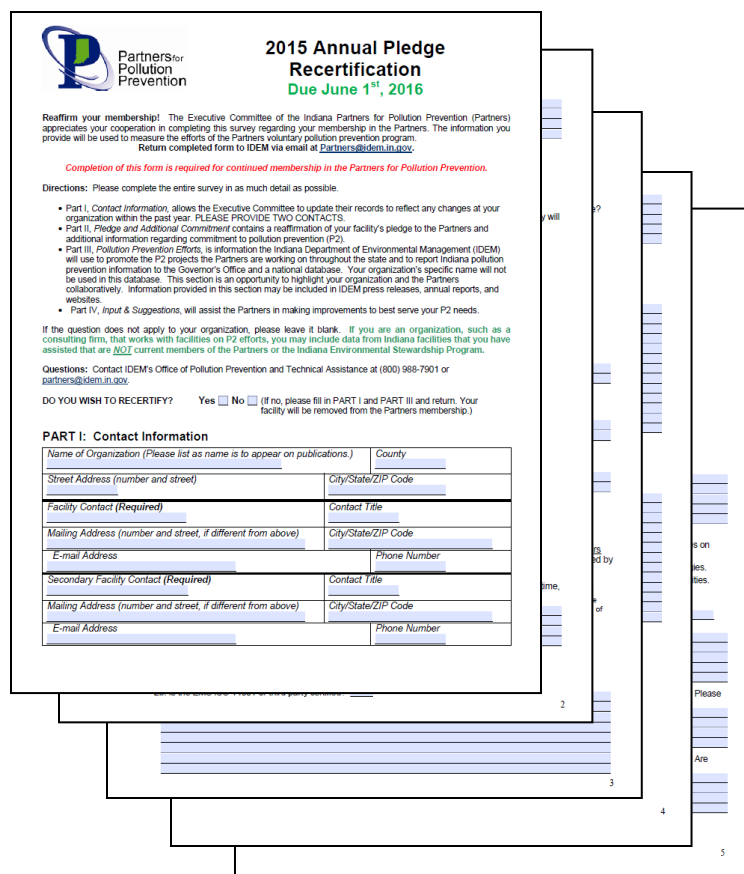
# Partners Recertifications



**Goal: To promote pollution prevention  
& achieve measurable reductions of  
pollution in Indiana**

- Transfer technology and innovative ideas through success stories from the recertifications
- Share success stories on the IDEM website, at the Partners Annual Conference, and nationally with U.S. EPA
- Provide data to show success of the program to the Governor's office
- Provide data to the National Pollution Prevention Database for National Pollution Prevention reports
- Provide ideas for future grant funding opportunities

# Changes to the Recertification Form



**Partners for Pollution Prevention**

**2015 Annual Pledge Recertification**  
**Due June 1<sup>st</sup>, 2016**

Reaffirm your membership! The Executive Committee of the Indiana Partners for Pollution Prevention (Partners) appreciates your cooperation in completing this survey regarding your membership in the Partners. The information you provide will be used to measure the efforts of the Partners voluntary pollution prevention program.

Return completed form to IDEM via email at [Partners@idem.in.gov](mailto:Partners@idem.in.gov).

*Completion of this form is required for continued membership in the Partners for Pollution Prevention.*

**Directions:** Please complete the entire survey in as much detail as possible.

- Part I, **Contact Information**, allows the Executive Committee to update their records to reflect any changes at your organization within the past year. PLEASE PROVIDE TWO CONTACTS.
- Part II, **Pledge and Additional Commitment** contains a reaffirmation of your facility's pledge to the Partners and additional information regarding commitment to pollution prevention (P2).
- Part III, **Pollution Prevention Efforts**, is information the Indiana Department of Environmental Management (IDEM) will use to promote the P2 projects the Partners are working on throughout the state and to report Indiana pollution prevention information to the Governor's Office and a national database. Your organization's specific name will not be used in this database. This section is an opportunity to highlight your organization and the Partners collaboratively. Information provided in this section may be included in IDEM press releases, annual reports, and websites.
- Part IV, **Input & Suggestions**, will assist the Partners in making improvements to best serve your P2 needs.

If the question does not apply to your organization, please leave it blank. If you are an organization, such as a consulting firm, that works with facilities on P2 efforts, you may include data from Indiana facilities that you have assisted that are NOT current members of the Partners or the Indiana Environmental Stewardship Program.

**Questions:** Contact IDEM's Office of Pollution Prevention and Technical Assistance at (800) 986-7901 or [partners@idem.in.gov](mailto:partners@idem.in.gov).

DO YOU WISH TO RECERTIFY? Yes ☐ No ☐ (If no, please fill in PART I and PART III and return. Your facility will be removed from the Partners membership.)

**PART I: Contact Information**

Name of Organization (Please list as name is to appear on publications.)	County
Street Address (number and street)	City/State/ZIP Code
Facility Contact (Required)	Contact Title
Mailing Address (number and street, if different from above)	City/State/ZIP Code
E-mail Address	Phone Number
Secondary Facility Contact (Required)	Contact Title
Mailing Address (number and street, if different from above)	City/State/ZIP Code
E-mail Address	Phone Number

- Due date has changed to June 1
- Updates to the Service Provider/Consulting Partners section
- Simplified Part III – Pollution Prevention efforts

# Staff changes at OPS

- Justin Paicely, Director, Program and Compliance
- Pat Daniel, Recycling and Reporting Manager
- Jennifer Collins, Assistance and Outreach Manager
- Angela Taylor, CTAP Small Business Liaison
- Karen Teliha, CLEAN Program Coordinator
- Nathan Christian, Governor's awards – Boating Infrastructure Grant Program and Clean Vessel Act Grants
- Deanna Garner, Environmental Education Coordinator
- Krista McKenna – former CTAP engineer – left IDEM



Indiana Department of Environmental Management

*Protecting Hoosiers and Our Environment Since 1986*



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

# INDIANA GOVERNOR'S

AWARD FOR ENVIRONMENTAL EXCELLENCE



**Nominations must be received by IDEM  
no later than 5 p.m Friday, May 13th, 2016.**  
[www.in.gov/idem/prevention/2358.htm](http://www.in.gov/idem/prevention/2358.htm)

The Indiana Department of Environmental Management (IDEM) is now accepting nominations for the 2016 Governor's Award for Environmental Excellence.

Visit [www.idem.IN.gov/prevention/2358.htm](http://www.idem.IN.gov/prevention/2358.htm)

for Examples and Information about: Eligible Projects, Selection Criteria, Eligibility Requirements, How to Complete and Submit a Nomination, and Selection of Award Recipients



# IDEM's Compliance and Technical Assistance Program (CTAP)



The Compliance and Technical Assistance Program (CTAP) provides assistance to help Indiana businesses understand and comply with environmental regulations. It is important to note the following about CTAP assistance:

- **Non-Regulatory** – CTAP staff are not regulators and do not have regulatory authority. Therefore, businesses will not be penalized for reporting relevant environmental information to CTAP staff when requesting assistance.
- **Free & Confidential** – While CTAP serves as a liaison between the regulatory agencies and businesses, no details about the company working with CTAP is provided to regulators, as the information is protected under IC 13-28-3-4.



- **Assistance** – CTAP provides assistance through an on-site visit or via phone and will provide a full compliance review or just target a single issue. It also develops training programs, brochures, and webinars to help businesses understand the state and federal environmental regulations that affect them.
- **Multi-media** – CTAP staff are knowledgeable in air, water, land and Community Right to Know regulations and are happy to answer questions in these areas.

The CTAP provides assistance to businesses that contact it directly, to businesses referred to it by regulatory inspectors or permit writers, and to businesses the CTAP identifies may be impacted by a new U.S. EPA or state regulation.

**Contact us if you need assistance**

**Hotline:** 800-988-7901

**Email:** [CTAP@idem.IN.gov](mailto:CTAP@idem.IN.gov)

**Website:** [www.idem.IN.gov/ctap](http://www.idem.IN.gov/ctap)





# **IDEM Regulatory Update**

Wednesday, April 13, 2016

Partners for Pollution Prevention

Quarterly Meeting

Kimball International

Jasper, Indiana

# CTAP Small Business Liaison (Regulatory Coordinator)

Angela Taylor

Stays abreast of regulatory actions by:

- Attending the [Environmental Rules Board](#) meetings
- Providing [monthly summaries](#) of the Indiana Register
- Regularly reviewing the Federal Register updates

# Upcoming Compliance Due Dates

## April 15:

- [Air Annual Compliance Certification](#) due for companies in Clark, Elkhart, Floyd, Lake, Marion, Porter, St. Joseph, and Vanderburgh counties.
- [Solid Waste Quarterly Reports](#) due.
- MSOP Air Permit annual fees are due 30 days after the invoice is generated. All invoices are generated by the 15th of the previous month.

## April 20:

- Hazardous Waste Disposal Fee (State Form 46244, available on the [IDEM Forms](#) page) due for the prior quarter's activity for disposal of hazardous waste on-site through underground injection or by other methods.

## April 28:

- Quarterly Non-Compliance Report due for delegated water Pretreatment Programs (unless otherwise permitted to submit report in May).

## April 30:

- Air Quarterly Deviation and Compliance Monitoring Report, due for January through March. Check your permit to determine if you are on a quarterly or semi-annual reporting schedule.
- Quarterly Air Permit reports (e.g., usage reports) due for January through March.

# Upcoming Compliance Due Dates

## May 1:

- [CAIR Energy Efficiency/Renewable Energy \(EE/RE\) Applications](#) for the current Annual Control Period are due.
- [CAIR new Unit Allowance Applications for the New Electric Generating Units \(EGUs\)](#) for the Annual Control Period due.

## May 15:

- [Underground Storage Tank \(UST\)](#) fee is due. If the UST owner fee is more than \$500, then can elect to submit the first payment due of the fee in four installments.

## May 28:

- Quarterly Non-Compliance Report due for those delegated water Pretreatment Programs allowed to submit in May (otherwise due in April).

## June 15:

- Second quarter payment due for NPDES annual bill, if paying in quarterly installments.

# Upcoming Compliance Due Dates

## June 30:

- Wastewater operator certification renewal applications due (certifications expire every two years).
- Drinking water operator certification renewal applications due (certifications expire every two years).

## July 1:

- [Hazardous Materials Registration](#) due to the U.S. Department of Transportation.
- [SARA 313 Toxic Release Inventory \(TRI\) Report](#) due.
- [Annual Emission Statement](#) (EMITS: Emissions Inventory Tracking System) due annually or every [3 years \[PDF\]](#) based on the potential to emit, pollutant, and county.
- [Air Annual Compliance Certification](#) due for all companies except those required to submit on April 15.

## July 15:

- [Solid Waste Quarterly Reports](#) due.
- [Underground Storage Tank \(UST\)](#) fee of second payment due if paying the fee in four installments.

# Upcoming Compliance Due Dates

## July 20:

- Hazardous Waste Disposal Fee (State Form 46244, available on the [IDEM Forms](#) page) due for the prior quarter's activity for disposal of hazardous waste on-site through underground injection or by other methods.

## July 28:

- Quarterly Non-compliance Report due for delegated water Pretreatment Programs (unless otherwise permitted to submit report in August).

## July 30:

- Semi-annual Air Compliance Monitoring Report due for January through June. Check your permit to determine if you are on a quarterly or semi-annual reporting schedule.
- Air Quarterly Deviation and Compliance Monitoring Report due for April through June. Check your permit to determine if you are on a quarterly or semi-annual reporting schedule.
- Quarterly Air Permit reports (e.g., usage reports) due for April through June.

[Compliance Due Dates](#) web page provides a full list of compliance dates.

# Rule and Policy Update

*Proposed and final rules/policies  
that may affect Indiana businesses*



# Air Pollution Control Division

- Development of Amendments to Rules Concerning Sulfur Dioxide [LSA #11-356](#)
- ESP-CLEAN Amendments to Title 326 [LSA #14-68](#)
- Startup, Shutdown, and Malfunction (SSM) Emissions [LSA #15-326](#)
- NOx Emissions From Large Industrial Boilers (Non-Electric Generating Units) and Repeal of NOx Trading Programs [LSA #15-414](#)
- Volatile Organic Liquid Storage Tank Emissions [LSA #15-427](#)





# Air Pollution Control Division

## Development of Amendments to Rules Concerning Sulfur Dioxide [LSA #11-356\(F\)](#)

Amends [326 IAC 7-2-1](#), [326 IAC 7-4-2](#), [326 IAC 7-4-3](#), and [326 IAC 7-4-11](#) concerning sulfur dioxide (SO<sub>2</sub>) emission limitations. Adds [326 IAC 7-1.1-3](#), [326 IAC 7-4-2.1](#), [326 IAC 7-4-3.1](#), [326 IAC 7-4-11.1](#), and [326 IAC 7-4-15](#) concerning the new 1-hour SO<sub>2</sub> National Ambient Air Quality Standard (NAAQS). Repeals [326 IAC 7-4-2](#), [326 IAC 7-4-3](#), and [326 IAC 7-4-11](#). Partially effective 30 days after filing with the Publisher and partially effective January 1, 2017.

Rule Contact: Susan Bem

Rules Development Branch, Office of Legal Counsel

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Final Adoption - 07/08/2015

Effective - 10/02/2015

Repeal Section Effective - 01/01/2017



# Air Pollution Control Division

## Development of Amendments to Rules Concerning SO<sub>2</sub>

The United States Environmental Protection Agency (U.S. EPA) issued a revised primary national ambient air quality standard (NAAQS) for sulfur dioxide in the June 22, 2010, Federal Register published at 75 FR 35520.

The U.S. EPA established a new 1-hour standard at a level of 75 ppb to reduce human exposure to high short-term (five minutes to 24 hours) concentrations of SO<sub>2</sub>. The U.S. EPA revoked the two existing primary standards (140 ppb 24-hour standard and 30 ppb annual average standard) and kept the secondary standard. U.S. EPA also set a new form for the standard.

This new form is the 3-year average of the 99th percentile of the annual distribution of daily maximum 1-hour average concentrations. U.S. EPA is also revising the ambient air monitoring requirements for SO<sub>2</sub>.



# Air Pollution Control Division

## Development of Amendments to Rules Concerning SO<sub>2</sub>

- IDEM amended [326 IAC 1-3-4](#) in 2010 (LSA Document #10-495) to incorporate the revised standard into the state rule.
- Emission limits in [326 IAC 7](#) have been revised or added for sources located in counties designated as nonattainment, or unclassifiable.
- IDEM has revised the SO<sub>2</sub> monitoring requirements in [326 IAC 7](#) to address the monitoring requirements that will be necessary for the new 1-hour SO<sub>2</sub> NAAQS.
- Sources that were listed in [326 IAC 7](#) that are now closed have been removed from the rule.



# Air Pollution Control Division

## ESP-CLEAN Amendments to Title 326 [LSA #14-68](#)(F)

In 2007, the applicable environmental boards in existence at that time adopted rules into Title 326, Title 327, and Title 329 to establish the ESP and CLEAN Community.

Amends [326 IAC 25-1-2](#), [326 IAC 25-1-3](#), [326 IAC 25-1-4](#), [326 IAC 25-1-5](#), [326 IAC 25-1-6](#), [326 IAC 25-1-7](#), [326 IAC 25-1-8](#), [326 IAC 25-1-9](#), [326 IAC 25-1-10](#), [326 IAC 25-1-11](#), [326 IAC 25-1-12](#), [326 IAC 25-1-13](#), and [326 IAC 25-1-14](#) and adds [326 IAC 25-2-1.5](#) concerning the Environmental Stewardship Program (ESP) and Comprehensive Local Environmental Action Network Community Challenge Program (CLEAN). Repeals [326 IAC 25-2-1](#).

Final Adopted - 0/14/2015

Effective - 03/03/2016

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# Air Pollution Control Division

## Major revisions include: ESP-CLEAN Amendments

- The federal National Environmental Performance Track Program (NEPT) was a federal program that no longer exists and references to it or its requirements have been removed from the Indiana ESP rules.
- For members in the CLEAN program, the requirement for participants to identify five continuous environmental improvement initiatives for the three-year membership term has been reduced to four continuous environmental improvement initiatives, and the membership term has increased from three to four years for each program.
- Eliminates the requirement for members to implement an environmental management system (EMS) for participation in CLEAN. The EMS requirement for ESP will remain in effect.
- Adds Inspection Advance Notification - A member of ESP or CLEAN in good standing may request to be given twenty-four (24) hours advance notification of representatives of the commissioner arriving at the member's facility to conduct a routine inspection for a program under the commissioner's responsibility. No notice will be given for emergency or complaint-based inspections.



# Air Pollution Control Division

## Startup, Shutdown, and Malfunction (SSM) Emissions [LSA #15-326](#)

### Basic Purpose and Background

The United States Environmental Protection Agency (U.S. EPA) published findings in the Federal Register (FR) on June 12, 2015 ([80 FR 33839](#)) concerning inadequacies to startup, shutdown, and malfunction (SSM) provisions in state rules. This action, effective on May 22, 2015, directs thirty-six (36) states, including the state of Indiana, to correct specific provisions in State Implementation Plans (SIPs) concerning the treatment of excess emissions that occur at certain industrial facilities during periods of SSM to be consistent with the Clean Air Act (CAA) and with U.S. EPA's updated SSM policy. Section [302\(k\)](#) of the CAA requires SIPs to contain emission limitations that "limit the quantity, rate, or concentration of emissions of air pollutants on a continuous basis."

However, the conditions listed in [326 IAC 1-6-4\(a\)](#) would allow an exemption for noncompliance with emission limitations during certain malfunction events. Owners and operators of facilities that are required to obtain a permit under [326 IAC 2-5.1](#) or [326 IAC 2-6.1](#), generally those sources requiring a construction permit after December 25, 1998, except for exemptions as listed in the rule, will be affected by this rulemaking.



# Air Pollution Control Division

## Startup, Shutdown, and Malfunction (SSM) Emissions

### Basic Purpose and Background (continued)

States are required to submit a revision of the inadequate SSM provisions for approval into the SIP by November 22, 2016.

IDEM is proposing to amend state rules to address SSM deficiencies.

One of the provisions of this rule, [326 IAC 1-6-3](#) (preventive maintenance plan), will not be affected by this rulemaking because it does not pertain to a malfunction. Therefore, this provision is not included in this rulemaking. [326 IAC 2-9-1\(h\)](#) (Source Specific Operating Agreement Program) will be changed because it references this rule in its requirements and states that, if exceedances are due to a malfunction, then the provisions of [326 IAC 1-6](#) shall apply. Therefore, as [326 IAC 2-9-1](#) changes, [326 IAC 1-6](#) will be changed accordingly.



# Air Pollution Control Division

## Startup, Shutdown, and Malfunction (SSM) Emissions [LSA #15-326](#)

Amendments to rules at [326 IAC 1-6](#) and [326 IAC 2-9-1\(h\)](#) concerning the treatment of excess emissions at certain industrial facilities during periods of startup, shutdown, or malfunction (SSM).

### **Notice of Public Hearing:**

Under [IC 4-22-2-24](#), [IC 13-14-8-6](#), and [IC 13-14-9](#), notice is hereby given that the Environmental Rules Board will hold a public hearing on amendments to [326 IAC 1-6](#) concerning amendments to the startup, shutdown, and malfunction (SSM) rule, in response to a U.S. EPA SIP Call.

**When:** August 10, 2016, at 1:30 p.m

**Where:** Indiana Government Center South, 302 West Washington Street, Conference Center Room 22, Indianapolis, Indiana

The purpose of this hearing is to receive comments from the public prior to consideration of preliminary adoption of these rules by the board. All interested persons are invited.





# Air Pollution Control Division

## Startup, Shutdown, and Malfunction (SSM) Emissions

Second Comment Period 03/30/2016 - 04/29/2016

The [Draft Rule](#) language available for comment

Public Hearing: Preliminary Adoption - 08/10/2016

Rule Contact/ Send Comments to:

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# Air Pollution Control Division

## NOx Emissions From Large Industrial Boilers (Non-Electric Generating Units) and Repeal of NOx Trading Programs [LSA #15-414](#)

New rules to [326 IAC 10](#) concerning:

- nitrogen oxide (NOx) emissions for the ozone season from large industrial boilers also known as non-electric generating units (non-EGUs),
- on the repeal of the nitrogen oxides budget trading program at [326 IAC 10-4](#), the Clean Air Interstate Rule (CAIR) at [326 IAC 24-1](#), [326 IAC 24-2](#), and [326 IAC 24-3](#),
- and on a change to the CAIR reference in the Regional Haze rule at [326 IAC 26-1-5](#).



# Air Pollution Control Division

## NOx Emissions From Large Industrial Boilers (Non-Electric Generating Units) and Repeal of NOx Trading Programs

### Basic Purpose and Background

The United States Environmental Protection Agency (U.S. EPA) finalized the Cross State Air Pollution Rule (CSAPR) to reduce the interstate transport of fine particulate matter and ozone on July 6, 2011, with publication in the Federal Register (FR) on August 8, 2011 ([76 FR 48208](#)).

The final rule replaces U.S. EPA's 2005 Clean Air Interstate Rule (CAIR), which was remanded by a December 2008 court decision that kept CAIR in place temporarily while directing U.S. EPA to issue a replacement rule.

CSAPR requires 28 states, including Indiana, in the eastern half of the United States to significantly improve air quality by reducing nitrogen oxides (NOx) and sulfur dioxide (SO<sub>2</sub>) power plant emissions that cross state lines and contribute to ground-level ozone (O<sub>3</sub>) and fine particle (PM<sub>2.5</sub>) pollution in other states. The SO<sub>2</sub> requirements under CAIR have been replaced by CSAPR. The NOx requirements under CAIR are being addressed in this rulemaking.

# Air Pollution Control Division

## NOx Emissions From Large Industrial Boilers (Non-Electric Generating Units) and Repeal of NOx Trading Programs

- IDEM is proposing to amend state rules to move monitoring requirements for non-EGUs at [326 IAC 24-3-11](#) to the NOx rules at [326 IAC 10](#). In the future, the only requirements for the trading program non-EGUs would be to monitor for NOx in accordance with [40 CFR 75, Subpart H](#). There would be no emission cap requirement. IDEM will work with U.S. EPA and affected sources to determine what monitoring provisions from [326 IAC 24-3-11](#) are appropriate to retain, along with any other necessary language from CAIR.
- Some non-EGUs, such as certain blast furnace gas-fired boilers, fall under an alternative category of being subject to NOx emission rate limits and were not a part of the NOx trading program. These units will remain subject to the NOx emission rate limits in [326 IAC 10-3](#). IDEM anticipates that [326 IAC 10-3](#) will need to be amended to remove the reference to the trading program and add a new reference to the revised monitoring rules that will apply to non-EGUs.
- IDEM is also proposing the repeal of the NOx budget trading program at [326 IAC 10-4](#) and CAIR at [326 IAC 24](#).

# Air Pollution Control Division

## NOx Emissions From Large Industrial Boilers (Non-Electric Generating Units) and Repeal of NOx Trading Programs

- A sunset clause was added to the NOx budget trading program at 326 IAC [10-4-16](#) when CAIR replaced the NOx budget trading program. The NOx budget trading program was not repealed at that time because the rule was still needed for documenting compliance after the end of the ozone season. It is now no longer needed and can be repealed. The three trading programs (NOx annual, NOx ozone season, and SO<sub>2</sub> annual) have been replaced by the federal CSAPR rules and are no longer needed.
- IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.



# Air Pollution Control Division

## NOx Emissions From Large Industrial Boilers (Non-Electric Generating Units) and Repeal of NOx Trading Programs

First Comment Period was 12/09/2015 - 01/08/2016. Comments were received and responses to those comments are currently being drafted.

A second comment period will be scheduled.

Rule Contact/Send Comments to:

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# Air Pollution Control Division

## Volatile Organic Liquid Storage Tank Emissions [LSA #15-427](#)

Amendments to rules at [326 IAC 8-9](#) concerning stationary liquid storage vessels used to store volatile organic liquids that are located in Clark, Floyd, Lake, or Porter county.

- The Indiana Department of Environmental Management (IDEM) received a request to allow industry sources to use an alternative inspection method to demonstrate compliance with the rule at [326 IAC 8-9](#) concerning volatile organic liquid storage vessels. This rule currently applies to sources in Lake, Porter, Clark, and Floyd counties that use large storage vessels to store volatile organic liquids that are primarily in the petroleum refining, storage, and distribution industry. (Tanks that are subject to any provisions of the New Source Performance Standards (NSPS) for Volatile Liquid Organic Storage Vessels ([40 CFR 60, Subpart Kb](#)) are currently exempt from this rule.)
- The U.S. EPA has adopted a lower ozone standard.



# Air Pollution Control Division

## Volatile Organic Liquid Storage Tank Emissions

- Indiana's rule at [326 IAC 8-9](#) requires an inspection process for each affected tank at specific time intervals. If a tank is in use when it is time for an inspection, the tank must be emptied, degassed, inspected, and then refilled.
- This requirement is not only costly to sources because of the downtime and raw materials spent on this inspection process, but it also actually increases VOC emissions and therefore, ozone formation, each time the tank is emptied, degassed, and refilled.
- This rulemaking would provide affected sources the flexibility to comply with the inspection requirements using alternative inspection methods to inspect while the tank is in use. It would also reduce VOC emissions to the atmosphere by inspecting the tanks while in use rather than emptying them for inspections.
- This rulemaking currently applies to petroleum sources in Lake, Porter, Clark, and Floyd counties that have the potential to emit VOCs from volatile organic liquid storage tanks of specific sizes and pressure thresholds.





# Air Pollution Control Division

## Volatile Organic Liquid Storage Tank Emissions

- Other petroleum sources located in other counties in Indiana would also benefit from the flexibility of using an alternative inspection method when tanks are in use.
- In addition, to help ensure that Indiana can meet the new ozone standard, expanding the applicability of this rule to the entire state will result in greater VOC emission reductions than if it only applies to the four counties covered by the current rule.
- Statewide applicability will provide consistent requirements for this type of source. Therefore, IDEM is proposing to expand the applicability of this rulemaking to all counties in Indiana.
- This rulemaking will also update references, make corrections, and address standard language and style changes that have occurred over time since this rule was last revised.
- IDEM has begun discussing this rulemaking with U.S. EPA and will continue to coordinate with U.S. EPA during the rulemaking. The final rule will be submitted to U.S. EPA for approval as an amendment to the state implementation plan.



# Air Pollution Control Division

## Volatile Organic Liquid Storage Tank Emissions

First Comment Period was 12/16/2015 - 01/15/2016. Comments were received and responses to those comments are currently being drafted.

A second comment period will be scheduled.

Rule Contact/Send Comments to:

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# Water Pollution Control Division

- Emergency Rule - Total Coliform Revisions to Drinking Water Rules [LSA #14-59](#)
- ESP-CLEAN Rule Revisions [LSA #14-238](#)
- CAFO and CFO Reference Update [LSA #16-3](#)
- Interference of a Publicly Owned Treatment Works [LSA #16-4](#)



# Water Pollution Control Division

## Emergency Rule - Total Coliform Revisions to Drinking Water Rules

### LSA #14-59

Temporarily amends [327 IAC 8-2](#), [327 IAC 8-2.1](#), [327 IAC 8-2.3](#), and [327 IAC 8-2.5](#) to add the federal requirements of the revised total coliform rule found at [40 CFR 141](#), as amended by the Federal Register on February 13, 2013 at [78 FR 10346](#), and February 26, 2014 at [79 FR 10668](#).

The U.S. EPA has finalized revisions to the 1989 [Total Coliform Rule \(TCR\)](#). Under the revised TCR (RTCR), there is no longer a monthly maximum contaminant level (MCL) violation for multiple total coliform detections. Instead, the revisions require systems that have an indication of coliform contamination in the distribution system to assess the problem and take corrective action that may reduce cases of illnesses and deaths due to potential fecal contamination and waterborne pathogen exposure.

This final rule also updates provisions in other rules that reference analytical methods and other requirements in the 1989 TCR (for example, Public Notification and Ground Water Rules). These revisions are in accordance with the 1996 [Safe Drinking Water Act \(SDWA\)](#) Amendments that require U.S. EPA to review and revise, as appropriate, each national primary drinking water regulation no less often than every six years.



# Water Pollution Control Division

## Emergency Rule - Total Coliform Revisions to Drinking Water Rules

IDEM initiated a rulemaking to adopt the federal RTCR into state rules at 327 IAC 8 with a first notice posted in the Indiana Register on March 5, 2014. The draft rule is in progress, but the state rule will not be final adopted and effective before the federal deadline of April 1, 2016. Therefore, the emergency rule has incorporated the federal requirements into state rules so that the state rules will not be deficient in meeting federal requirements as of April 1, 2016.

Rule Contact/Send Comments to:

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Indiana Department of Environmental Management

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# Water Pollution Control Division

## ESP-CLEAN Rule Revisions [LSA #14-238](#)

Amendments to Rules at [329 IAC 18](#) concerning the Environmental Stewardship Program (ESP) and the Comprehensive Local Environmental Action Network Community Challenge Programs (CLEAN). (Mirrors language changes from Title 325 [LSA #14-68\(F\)](#)).



# Water Pollution Control Division

## CAFO and CFO Reference Update [LSA #16-3](#)

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [327 IAC 15-16](#) and [327 IAC 19](#), concerning concentrated animal feeding operations (CAFO) and confined feeding operations (CFO), to update references to the Indiana Natural Resources Conservation Service (NRCS) Nutrient Management Conservation Practice Standards Codes 313, 360, 521A, 521B, 521C, 590, 633, and 656, and the construction specification for concrete construction. The Code of Federal Regulations (CFR) incorporated into the rules will also be updated to the 2014 edition. Formatting, typographical errors, and references to websites will also be updated and corrected. The amendments will not change rule requirements in a substantive way.

CAFOs and CFOs are livestock and poultry operations that produce potential water contaminants, such as manure and process wastewaters. The rules are designed to protect Indiana's water resources from the contamination. This rulemaking is limited in scope and purpose.

# Water Pollution Control Division

## CAFO and CFO Reference Update

IDEM proposes to update references to Indiana NRCS Nutrient Management Conservation Practice Standards and the CFR, and to correct formatting and typographical errors.

- Code 313 provides standards for waste storage facilities that contain liquid manure. This will be updated from the September 2005 edition to the October 2014 edition.
- Code 360 provides standards for the decommissioning and closure of a manure storage structure. This will be updated from the October 2004 edition to the November 2012 edition.
- Codes 521A, 521B, and 521C provide standards for liners in manure storage ponds. Code 521A will be updated from the October 2006 edition to the October 2013 edition. Codes 521B and 521C will be updated from the October 2006 edition to the October 2011 edition.
- Code 590 provides standards for soil testing for purposes of nutrient management. This will be updated from the July 2001 edition to the October 2013 edition.



# Water Pollution Control Division

## CAFO and CFO Reference Update

- Code 656 provides standards for constructed wetlands. This will be updated from the October 2006 edition to the November 2012 edition.
- The construction specification for concrete construction provides standards for constructing a concrete manure storage structure. This will be updated from the October 2005 edition to the May 2015 edition.
- NRCS Code 633 has been retired from publication and some requirements, such as sampling frequencies and setbacks, have been incorporated into NRCS Code 590. References to NRCS Code 633 will be updated to NRCS Code 590.
- The primary goal of the NRCS updates is to use the most modern engineering standards and provide clarity to daily management practices that reflect current industry standards.



# Water Pollution Control Division

## CAFO and CFO Reference Update [LSA #16-3](#)

### **Notice of Public Hearing:**

Under [IC 4-22-2-24](#), [IC 13-14-8-6](#), and [IC 13-14-9](#), notice is hereby given that the Environmental Rules Board will hold a public hearing on amendments to [327 IAC 15-16](#) and [327 IAC 19](#) concerning updates to references to the Indiana Natural Resources Conservation Service (NRCS) Nutrient Management Conservation Practice Standards Codes and construction specifications and the Code of Federal Regulations (CFR).

**When:** May 11, 2016, at 1:30 p.m

**Where:** Indiana Government Center North, 100 North Senate Avenue, IDEM Conference Room 1319, Indianapolis, Indiana

The purpose of this hearing is to receive comments from the public prior to consideration of preliminary adoption of these rules by the board. All interested persons are invited.



# Water Pollution Control Division

## CAFO and CFO Reference Update

Second Comment Period was 01/20/2016 - 02/19/2016

Public Hearing: 05/11/2016

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# Water Pollution Control Division

## Interference of a Publicly Owned Treatment Works [LSA #16-4](#)

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to [327 IAC 5-17-11](#) concerning the definition of "interference" as it relates to pretreatment discharge to a publicly owned treatment works (POTW).

A written proposal for the amendment of [327 IAC 5-17-11](#), the definition of "interference" as it regards pretreatment discharge of wastewater into a POTW, was presented to the board at its meeting in January 2015. The proposal and its supporters alleged that the definition at [327 IAC 5-17-11](#) is more stringent than the federal definition at [40 CFR 403.3\(k\)](#) and that the state's definition creates vagueness and subjectivity in determining whether interference has occurred at the POTW.

The board held a hearing on the proposal and considered it at several board meetings after the initial presentation. The board's final action at its October 2015 meeting was to direct IDEM to conduct rulemaking to revise the definition at [327 IAC 5-17-11](#) to be consistent with the federal definition.



# Water Pollution Control Division

## Interference of a Publicly Owned Treatment Works

First Comment Period was 01/13/2016 - 02/12/2016. Comments were received and responses to those comments are currently being drafted.

A second comment period will be scheduled.

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# Underground Storage Tank Financial Assurance Board

## Excess Liability Trust Fund [LSA #15-231](#)

IDEM is proposing amendments to the rules in Title 328 of the Indiana Administrative Code (IAC) concerning the excess liability trust fund (ELTF).

The ELTF program provides a mechanism for the reimbursements of emergency measures, investigation, and corrective action costs, and third-party liability claims deriving from the cleanup of petroleum releases from underground storage tanks (USTs).

Owners and operators of operational tanks or property owners with previously closed tanks may apply to the program to receive reimbursements from the fund.

The department distributes payments if the applicant meets the eligibility and payment criteria in [IC 13-23-8](#), [IC 13-23-9](#), and the requirements in [328 IAC 1](#).

# Underground Storage Tank Financial Assurance Board

## Excess Liability Trust Fund

This rulemaking proposes substantial revisions to [328 IAC 1](#) with the goals of creating a more efficient, current, and equitable process for the administration of the ELTF, and addressing long-standing issues with the rule language and requirements. The proposed changes may include the following:

- Delete, amend, and add definitions.
- Revise criteria to receive cost reimbursements from the ELTF.
- Clarify requirements, rates, and time frames for emergency measures.
- Revise the three-bid process for reimbursement of costs of corrective action.
- Amend and clarify the claim submittal process, including the time frames for cost submittal after approval of technical milestones.
- Update and clarify the requirements for reimbursement of site characterization, corrective action, and closure costs.

# Underground Storage Tank Financial Assurance Board

## Excess Liability Trust Fund

The proposed changes may include the following (continued):

- Delete, amend, and add rates for site characterization, corrective action, and closure costs.
- Consider removing the listing of costs from the rule at 328 IAC 1-3-5(e), and reference a separate, nonrule document that contains the listing of costs.
- Update the requirements for financial assurance.
- Establish the criteria for administrative denials.
- Amend the personnel classification activity descriptions.
- Update rule language to incorporate statutory changes.
- Update technical references throughout the rules.
- Amend and clarify the rule to reflect the administration of the ELTF program.
- Reorganize and clarify the rules as needed.





# Underground Storage Tank Financial Assurance Board Excess Liability Trust Fund

First Comment Period was 07/29/2015 - 08/28/2015. Comments were received and responses to those comments are currently being drafted.

A second comment period will be scheduled.

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# Solid Waste Management Division

- ESP-CLEAN Rule Revisions [LSA #14-69](#)
- Solid Waste Facility Operator Certification Program [LSA #14-111](#)
- Restrictive Covenants [LSA #14-254](#)
- Updates to Hazardous Waste Rules [LSA #16-93](#)
- Coal Combustion Residual Emergency Rule [LSA Document #16-XXX\(E\)](#)



# Solid Waste Management Division

## ESP-CLEAN Rule Revisions [LSA #14-69](#)

Amendments to Rules at [329 IAC 18](#) concerning the Environmental Stewardship Program (ESP) and the Comprehensive Local Environmental Action Network Community Challenge Programs (CLEAN). (Mirrors language changes from Title 325 [LSA #14-68\(F\)](#)).



# Solid Waste Management Division

## Solid Waste Facility Operator Certification Program [LSA #14-111](#)

Amendments to Rules at [329 IAC 12](#) concerning the Solid Waste Facility Operator Certification Program

**Adds** 329 IAC 12-2-8.5, 329 IAC 12-2-8.7, 329 IAC 12-2-11.2, 329 IAC 12-2-51.5, 329 IAC 12-7-6.5, 329 IAC 12-8-2.1, 329 IAC 12-8-3.1, 329 IAC 12-8-4.1, 329 IAC 12-9-2.1, 329 IAC 12-9-3.1, and 329 IAC 12-9-4.1 and **amends** 329 IAC 10-8.2-4, 329 IAC 12-2-2.2, 329 IAC 12-2-2.4, 329 IAC 12-2-5.1, 329 IAC 12-2-5.2, 329 IAC 12-2-6, 329 IAC 12-2-16, 329 IAC 12-2-31.5, 329 IAC 12-2-44, 329 IAC 12-2-46, 329 IAC 12-2-49, 329 IAC 12-2-54, 329 IAC 12-3-1, 329 IAC 12-3-2, 329 IAC 12-7-1, 329 IAC 12-7-2, 329 IAC 12-7-3, 329 IAC 12-7-5, 329 IAC 12-7-6, 329 IAC 12-7-7, 329 IAC 12-8-1, 329 IAC 12-8-8, 329 IAC 12-8-9, 329 IAC 12-8-10, 329 IAC 12-9-1, 329 IAC 12-9-5, 329 IAC 12-9-6, and 329 IAC 12-9-7, concerning solid waste facility operator certification.

**Repeals** 329 IAC 12-2-2, 329 IAC 12-2-2.1, 329 IAC 12-2-2.3, 329 IAC 12-2-4, 329 IAC 12-2-5, 329 IAC 12-2-11.1, 329 IAC 12-2-13, 329 IAC 12-2-15, 329 IAC 12-2-24, 329 IAC 12-2-27, 329 IAC 12-2-27.2, 329 IAC 12-2-30, 329 IAC 12-2-33, 329 IAC 12-2-36, 329 IAC 12-2-38, 329 IAC 12-2-39, 329 IAC 12-2-42, 329 IAC 12-2-45, 329 IAC 12-7-4, 329 IAC 12-8-2, 329 IAC 12-8-3, 329 IAC 12-8-4, 329 IAC 12-8-5, 329 IAC 12-8-6, 329 IAC 12-8-7, 329 IAC 12-9-2, 329 IAC 12-9-3, and 329 IAC 12-9-4. Effective 30 days after filing with the publisher.

# Solid Waste Management Division

## Solid Waste Facility Operator Certification Program

The solid waste facility operator certification program is required under [IC 13-15-10](#). State law requires the board to adopt rules to establish standards for the training, examination, certification, and renewal certification of operators of solid waste land disposal facilities. In accordance with [IC 13-15-10-2](#), solid waste facilities that are required to have a certified operator cannot obtain or renew a permit to operate unless the facility is operated by an individual certified under this program.

In response to external comments and internal considerations, IDEM is proposing to make changes to the solid waste facility operation certification program rules in order to:

- offer more flexibility for the certification and recertification course content;
- provide additional training options for completing required courses;
- extend the period of time allowed between operator recertifications;
- clarify sections throughout the rule; and
- update the rule to adapt to changing conditions in the industry.



# Solid Waste Management Division

## Solid Waste Facility Operator Certification Program

### Notice of Public Hearing:

Under [IC 4-22-2-24](#), [IC 13-14-8-6](#), and [IC 13-14-9](#), notice is hereby given that the Environmental Rules Board will hold a public hearing on amendments to [327 IAC 12](#) concerning solid waste facility operator certification.

**When:** May 11, 2016, at 1:30 p.m

**Where:** Indiana Government Center North, 100 North Senate Avenue, IDEM Conference Room 1319, Indianapolis, Indiana

The purpose of this hearing is to receive comments from the public prior to consideration of preliminary adoption of these rules by the board. All interested persons are invited.



# **Solid Waste Management Division**

## **Solid Waste Facility Operator Certification Program**

Preliminarily Adopted - 02/10/2016

Anticipated Final Adoption - 05/11/2016

Public Hearing: 05/11/2016

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# Solid Waste Management Division

## Restrictive Covenants [LSA #14-254](#)

Adds [329 IAC 1-2](#) concerning requests for restrictive covenant modifications and associated cost recovery measures for remediation projects described in [IC 13-23](#), [IC 13-24](#), [IC 13-25-4](#), and [IC 13-25-5](#).

### **Rule 2. Restrictive Covenants**

329 IAC 1-2-1 Applicability

329 IAC 1-2-2 Definitions

329 IAC 1-2-3 General provisions

329 IAC 1-2-4 Modification or termination application

329 IAC 1-2-5 Action on an application

329 IAC 1-2-6 Submittal of supplemental recording

329 IAC 1-2-7 Cost recovery





# Solid Waste Management Division

## Restrictive Covenants

Preliminarily Adopted - 10/14/2015

Final Adopted - 02/10/2016

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# Solid Waste Management Division

## Updates to Hazardous Waste Rules [LSA #16-93](#)

Indiana is required to revise its hazardous waste program by adopting recent amendments to federal hazardous waste regulations. Indiana's hazardous waste rules must be as stringent as those adopted by U.S. EPA, with the option of adopting more stringent state requirements, if appropriate, for a particular situation.

For this rulemaking, IDEM is using the abbreviated rulemaking process authorized in [IC 13-14-9-8](#) because the proposed rulemaking is incorporating by reference U.S. EPA final rules that amend hazardous waste requirements and does not include any amendments that will have a substantive effect on the scope or application of the federal rule.

IDEM has developed draft rule language that amends [329 IAC 3.1](#) in order to adopt the July 1, 2015, version of the Code of Federal Regulations (CFR) for the incorporation by reference of [40 CFR 260](#) through [40 CFR 270](#) and [40 CFR 273](#), including amendments to the hazardous waste requirements in recently promulgated U.S. EPA final rules.



# Solid Waste Management Division

## Updates to Hazardous Waste Rules

This rulemaking will adopt the amendments from the following U.S. EPA final rules:

- On February 7, 2014, at [79 FR 7518](#) (Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests);
- On June 26, 2014, at [79 FR 36220](#) (Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule);
- On January 13, 2015, at [80 FR 1694](#) (Definition of Solid Waste); and
- On April 8, 2015, at [80 FR 18777](#) (Response to Vacatures of the Comparable Fuels Rule and the Gasification Rule).

In addition to incorporating by reference the recent U.S. EPA final rules for hazardous waste, this rulemaking proposes technical amendments in [329 IAC 3.1](#) to correct errors for materials incorporated by reference, statutory citations, and contact information. Also, the proposed amendments at [329 IAC 3.1-1-10](#), [329 IAC 3.1-7-2](#), and [329 IAC 3.1-8-3](#) correct technical errors in existing rule requirements. IDEM is including these technical amendments to clarify existing rules without having an effect on the scope or application of the rules.



# Solid Waste Management Division

## Updates to Hazardous Waste Rules [LSA #16-93](#)

### Notice of Public Hearing:

Under [IC 4-22-2-24](#), [IC 13-14-8-6](#), and [IC 13-14-9](#), notice is hereby given that the Environmental Rules Board will hold a public hearing on amendments to [329 IAC 3.1](#) concerning updates to hazardous waste rules.

**When:** May 11, 2016, at 1:30 p.m

**Where:** Indiana Government Center North, 100 North Senate Avenue, IDEM Conference Room 1319, Indianapolis, Indiana

The purpose of this hearing is to receive comments from the public prior to consideration of preliminary adoption of these rules by the board. All interested persons are invited.



# Solid Waste Management Division

## Updates to Hazardous Waste Rules

Public Hearing/Adoption: 05/11/2016

Anticipated Adoption: 05/11/2016

Anticipated Effective: 09/15/2016

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# Solid Waste Management Division

## Emergency Rule - Coal Combustion Residuals (CCR)

Temporarily amends [329 IAC 10-3-1\(8\)](#), [329 IAC 10-3-1\(9\)](#), and [329 IAC 10-9-1](#) to incorporate by reference the federal requirements for the operation and closure of a coal combustion residuals impoundment.

This emergency rule incorporates the federal regulations found at [40 CFR 257.50](#) through [40 CFR 257.106](#) into Indiana rules to regulate CCR impoundments. IDEM will then submit an amendment of Indiana's Solid Waste Management Plan (SWMP) to U.S. EPA for approval so that IDEM can approve alternative compliance schedules under [40 CFR 256](#).

# Solid Waste Management Division

## Emergency Rule - Coal Combustion Residuals

Addresses the operation of any coal combustion residuals (CCR) impoundment subject to new federal regulations found at [40 CFR 257, Subpart D](#), promulgated by the U.S. EPA, that became effective October 19, 2015.

CCR are fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.

Current Indiana rules only regulate CCR impoundments at final closure if waste is closed in place. By adopting the new federal requirements for CCR impoundments, IDEM has the ability to assure that closure of the CCR impoundments meet the standards under the new federal requirements and provides IDEM the ability to work with regulated entities to assure that the work done to comply with the requirements under [40 CFR 257](#) is carried out in such a way as to protect human health and the environment.



# Solid Waste Management Division

## Emergency Rule - Coal Combustion Residuals

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# Questions or Requests for Additional Information

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